IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 263 OF 2005

IN

FIRST COURT APPEAL (ST.) NO. 27219 OF 2005

LAXMI MUKUL GUPTA .. APPLICANT

Versus

MUKUL MUNISH GUPTA .. RESPONDENT

Mr. R. B. Jaiswal for applicant

CORAM:-SMT. RANJANA DESAI &

D.B. BHOSALE, JJ.

DATED:-30/1/06

P.C.

. Heard learned counsel for the applicant.

2. On 12/12/05, Rule was issued on this civil application and following order was passed:

. Rule.

. Rule made returnable on 30/1/2006.

. Office is directed to send the notice by courier by obtaining courier charges

from the petitioner.

. The petitioner is also permitted to serve the respondents by private service.

3. The learned counsel for the applicant states that he has not complied with the order passed by this court on 12/12/2005 fully. Bhatta was not paid and couriers charges were also not paid for issuing notice. Hence the notice was not issued. However, as directed by this court the appellant has served the respondent by private service. An affidavit has been filed by the appellant to that effect and to the affdavit copy of letter sent to the respondent and postal receipts are annexed. The said affidavit is taken on record. It therefore, appears that the respondent has been served. However, he has not cared to appear before this court.

4. In the circumstances after having heard the learned counsel for the applicant, for the reasons stated in the civil application, we condone the delay. Application is disposed of.

(SMT. RANJANA DESAI,J.)

(D. B. BHOSALE, J.)